

### REMARKS

This responds to the Office Action mailed on July 16, 2008.

Claims 28-50, 52-69, 71-91, 93-115, and 117-136 remain canceled; no additional claims are canceled. Claims 13, 15, 22 are amended, and claims 138 and 139 are added; as a result, claims 1-27, 51, 70, 92, 116, and 137-139 are now pending in this application.

Claims 13, 15, and 22 are amended to correct minor typographical errors.

#### §102 Rejection of the Claims

Claims 1-27, 51, 70, 92, 116 and 137 were rejected under 35 U.S.C. § 102(e) for anticipation by O'Neal (U.S. Publication No. 2004/0062370). Applicant respectfully traverses these rejections.

#### Concerning claim 1:

In particular, with respect to claim 1, Applicant cannot find in the cited portions of O'Neal any disclosure of "an authentication facility operable within said access controlled environment and configured to authenticate said transaction data based on an authentication scheme corresponding to said transaction," as recited in claim 1.

Instead, FIGS. 1-4 of O'Neal and the cited portions (e.g., ¶¶ 0045-0047, 0065-0066, 0073, 0079-0082, and 0086) appear to refer to a consolidated billing system for telephony usage. However, while O'Neal appears to refer to storing and maintaining "transaction records", querying such records, and providing user accounts to access such records (*see generally* O'Neal at ¶¶ 0045-0047), O'Neal fails to disclose or describe *authenticating the transaction data (records)*, as recited in claim 1.

Moreover, and more specifically, O'Neal fails to disclose or describe "authenticating said transaction data based on an authentication scheme corresponding to said transaction." As illustrated in the Application, in the case of a litigation transaction, the authentication scheme corresponding to the transaction can include the Federal Rules of Evidence. Application at p. 38, lines 14-21. The use of "rules of evidence" as an authentication scheme is further recited and claimed in claim 13, which depends from claim 1.

Thus, because the cited portions of O'Neal fail to disclose or describe authenticating transaction data as recited and claimed in claim 1, Applicant respectfully submits that the Office Action has failed to establish a *prima facie* case of anticipation under 35 U.S.C. § 102. As such, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Concerning remaining independent claims 27, 51, 70, 92, and 116:

Independent claims 27, 51, 70, 92, and 116 recite similar authentication facilities or methodologies as that of claim 1. In particular, with respect to claim 27, Applicant cannot find in the cited portions of O'Neal any disclosure of "an authentication facility operable within said access controlled environment and configured to authenticate said data related to said transaction based on a predetermined authentication level set to correspond to said transaction," as recited in claim 27.

As with claim 1, Applicant respectfully submits that the cited portions of O'Neal fail to disclose or describe authenticating transaction data at all. Moreover, with respect to claim 27, because O'Neal fails to disclose authentication of transaction data, it necessarily follows that O'Neal fails to disclose "authenticat[ion of] said data related to said transaction based on a predetermined authentication level set to correspond to said transaction," as required by claim 27.

Applicant respectfully submits that these arguments apply, *mutatis mutandis*, with respect to claims 51, 70, 92, and 116.

Thus, because the cited portions of O'Neal fail to disclose or describe all of the elements in claims 27, 51, 70, 92, and 116, Applicant respectfully requests reconsideration and withdrawal of the basis of rejection of these claims.

Concerning claim 6:

Applicant cannot find in the cited portions of O'Neal any disclosure of "wherein said transaction management facility stores said transaction data in a plurality of formats corresponding to transaction party systems maintained by outside of said access controlled environment," as recited in claim 9. Although data storage is referred to in O'Neal, after reviewing FIGS. 1-4 and ¶¶ 0045-0047, 0065-0066, 0073, 0079-0082, and 0086, Applicant

cannot find storage in different formats as claimed in claim 9. Thus, because the cited portions of O'Neal fail to disclose or describe all of the elements in claim 9, Applicant respectfully requests reconsideration and withdrawal of the basis of rejection of this claim.

Concerning claim 12:

Applicant cannot find in the cited portions of O'Neal any disclosure of "wherein said security scheme is set automatically based on the type of said transaction," as recited in claim 12. O'Neal refers to access control and user authentication at ¶ 0079, which states: "most billing systems require some type of identification and authentication data that is provided by the user to preclude unauthorized access to private account information." However, after reviewing FIGS. 1-4 and ¶¶ 0045-0047, 0065-0066, 0073, 0079-0082, and 0086, Applicant respectfully submits that O'Neal fails to disclose a security scheme that is set automatically based on the type of transaction. Thus, because the cited portions of O'Neal fail to disclose or describe all of the elements in claim 12, Applicant respectfully requests reconsideration and withdrawal of the basis of rejection of this claim.

Concerning claim 13:

Applicant cannot find in the cited portions of O'Neal any disclosure of "wherein said authentication scheme corresponds to rules of evidence," as recited in claim 13. As provided above, Applicant respectfully submits that O'Neal fails to disclose or describe authentication of transaction data. As such, O'Neal would necessarily fail to disclose an "authentication scheme corresponds to rules of evidence," as recited in claim 13. Moreover, because O'Neal refers to transaction data in the telephony and telecommunication context, and makes no reference to litigation transaction data, where one may expect to find an authentication scheme based on based on rules of evidence, such as the Federal Rules of Evidence.

Thus, because the cited portions of O'Neal fail to disclose or describe all of the elements in claim 13, Applicant respectfully requests reconsideration and withdrawal of the basis of rejection of this claim.

Concerning claim 14:

Applicant cannot find in the cited portions of O'Neal any disclosure of "wherein said authentication scheme is established by said user," as recited in claim 14. As provided above, Applicant respectfully submits that O'Neal fails to disclose or describe authentication of transaction data. As such, an authentication scheme established by a user would necessarily be missing from O'Neal. Thus, because the cited portions of O'Neal fail to disclose or describe all of the elements in claim 14, Applicant respectfully requests reconsideration and withdrawal of the basis of rejection of this claim.

Concerning claim 15:

Applicant cannot find in the cited portions of O'Neal any disclosure of "wherein said authentication scheme is automatically set by said authentication facility based on the type of said transaction," as recited in amended claim 15. As provided above, Applicant respectfully submits that O'Neal fails to disclose or describe authentication of transaction data. As such, an authentication scheme automatically set based on the type of said transaction would necessarily be missing from O'Neal. Thus, because the cited portions of O'Neal fail to disclose or describe all of the elements in claim 15, Applicant respectfully requests reconsideration and withdrawal of the basis of rejection of this claim.

Concerning claim 16:

Applicant cannot find in the cited portions of O'Neal any disclosure of "wherein said authentication facility further authenticates said transaction data based said user's identity," as recited in claim 16. As provided above, Applicant respectfully submits that O'Neal fails to disclose or describe authentication of transaction data. As such, an authentication facility that authenticates said transaction data based said user's identity would necessarily be missing from O'Neal. Thus, because the cited portions of O'Neal fail to disclose or describe all of the elements in claim 16, Applicant respectfully requests reconsideration and withdrawal of the basis of rejection of this claim.

Concerning claim 17:

Applicant cannot find in the cited portions of O'Neal any disclosure of "wherein said authentication facility further authenticates said transaction data based biometric data related to said user," as recited in claim 17. As provided above, Applicant respectfully submits that O'Neal fails to disclose or describe authentication of transaction data. As such, an authentication facility that authenticates said transaction data based biometric data related to said user would necessarily be missing from O'Neal. Thus, because the cited portions of O'Neal fail to disclose or describe all of the elements in claim 17, Applicant respectfully requests reconsideration and withdrawal of the basis of rejection of this claim.

Concerning claim 18:

Applicant cannot find in the cited portions of O'Neal any disclosure of "wherein said authentication facility further authenticates said transaction data based forensic data related to said transaction," as recited in claim 18. O'Neal does not discuss the use of forensic data in any manner. In addition, as provided above, Applicant respectfully submits that O'Neal fails to disclose or describe authentication of transaction data. As such, an authentication facility that authenticates said transaction data based forensic data related to said transaction would necessarily be missing from O'Neal. Thus, because the cited portions of O'Neal fail to disclose or describe all of the elements in claim 18, Applicant respectfully requests reconsideration and withdrawal of the basis of rejection of this claim.

Concerning claim 19:

Applicant cannot find in the cited portions of O'Neal any disclosure of "wherein said authentication facility further authenticates said transaction data base on forensic data related to said user," as recited in claim 19. O'Neal does not discuss the use of forensic data in any manner. In addition, as provided above, Applicant respectfully submits that O'Neal fails to disclose or describe authentication of transaction data. As such, an authentication facility that authenticates said transaction data base on forensic data related to said user would necessarily be missing from O'Neal. Thus, because the cited portions of O'Neal fail to disclose or describe all

of the elements in claim 19, Applicant respectfully requests reconsideration and withdrawal of the basis of rejection of this claim.

Concerning claim 20:

Applicant cannot find in the cited portions of O'Neal any disclosure of "wherein said authentication facility authenticates said transaction data prior to said transaction management facility storing and maintaining said data," as recited in claim 20. As provided above, Applicant respectfully submits that O'Neal fails to disclose or describe authentication of transaction data. As such, an authentication facility that authenticates said transaction data prior to said transaction management facility storing and maintaining said data would necessarily be missing from O'Neal. Thus, because the cited portions of O'Neal fail to disclose or describe all of the elements in claim 20, Applicant respectfully requests reconsideration and withdrawal of the basis of rejection of this claim.

Concerning claim 21:

Applicant cannot find in the cited portions of O'Neal any disclosure of "wherein said authentication facility authenticates said transaction data after said transaction management facility stores and maintains said data," as recited in claim 21. As provided above, Applicant respectfully submits that O'Neal fails to disclose or describe authentication of transaction data. As such, an authentication facility that authenticates said transaction data after said transaction management facility stores and maintains said data would necessarily be missing from O'Neal. Thus, because the cited portions of O'Neal fail to disclose or describe all of the elements in claim 21, Applicant respectfully requests reconsideration and withdrawal of the basis of rejection of this claim.

Concerning claim 22:

Applicant cannot find in the cited portions of O'Neal any disclosure of "wherein said authentication facility requires said user to enter authentication data related to said transaction data and authenticates said transaction data based upon said authentication data," as recited in amended claim 22. As provided above, Applicant respectfully submits that O'Neal fails to

disclose or describe authentication of transaction data. As such, an authentication facility that requires said user to enter authentication data related to said transaction data and authenticates said transaction data based upon said authentication data would necessarily be missing from O'Neal. Thus, because the cited portions of O'Neal fail to disclose or describe all of the elements in claim 22, Applicant respectfully requests reconsideration and withdrawal of the basis of rejection of this claim.

Concerning claim 26:

Applicant cannot find in the cited portions of O'Neal any disclosure of "wherein said automatically generated electronic mail message contains a reference to said transaction based on a predetermined level of vagueness," as recited in amended claim 26. As discussed in the Application, in some transactions anonymity or obfuscation of the parties' identities is desired. See, e.g., Application at p. 46, lines 25-31. One mechanism to achieve this result is the use of a predetermined level of vagueness. In contrast, O'Neal is silent on this type of mechanism. Thus, because the cited portions of O'Neal fail to disclose or describe all of the elements in claim 26, Applicant respectfully requests reconsideration and withdrawal of the basis of rejection of this claim.

Remaining dependent claims 2-5, 7-13, 23-25, 27, and 137:

The remaining dependent claims 2-5, 7-13, 23-25, 27, and 137 depend from independent claims 1 and 70, either directly or indirectly, and accordingly incorporate the features of these independent claims. These dependent claims are accordingly believed to be patentable for at least the reasons stated herein regarding claims 1 and 70. For brevity, Applicant defers (but reserves the right to present) further remarks, such as concerning any dependent claims, which are believed separately patentable. Thus, Applicant respectfully requests withdrawal of this basis of rejection for these claims.

*New claims 138 and 139*

Applicant submits the additional claims are fully supported by the specification as originally filed, and that no new matter has been added. In addition, Applicant submits that the features recited in claims 138 and 139 further distinguish over the cited references. For example, Applicant cannot find in the cited portions of these references any disclosure of using metadata, such as information of a document's location or chain of custody, to authenticate transaction data, such as a person or a document. Applicant respectfully submits that claims 138 and 139 are allowable for and request notification of the same.

**CONCLUSION**

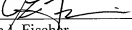
Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 371-2134 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16<sup>th</sup> day of January, 2009.

/ Jonathan Ferguson /

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